



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for April 18, 2007 in order to consider an appeal to the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane. (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant)

MEETING DATE: April 4, 2007

PREPARED BY: Randy Hatch, Community Development Director

RECOMMENDED ACTION: Set a Public Hearing for April 18, 2007 in order to consider an appeal to the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane.

BACKGROUND INFORMATION: At their February 14, 2007 meeting the Planning Commission conducted a public hearing and conditionally approved the Use Permit request of Wine Country Casino and Restaurant for the proposed card room operation. An appeal was filed on March 1, 2007 to the approval of the Conditional Use Permit from Kenneth R. Owen, a representative from Christian Community Concerns. This appeal was timely filed and the City Council needs to conduct an appeal hearing.

FISCAL IMPACT: N/A

FUNDING: N/A

Randy Hatch
Community Development Director

Attachment: Appeal letter

RH/kjc

APPROVED: _____
Blair King, City Manager



City of Lodi
Community Development Department
P.O. Box 3006
221 W. Pine Street
Lodi, California 95241-1910

Application for Appeal
Before the Board of Appeals
For the City of Lodi

General Information Required

Appellant's Name Kenneth R. Owen Phone 209-368-0990

Mailing Address 10908 N. Micke Grove Rd., Lodi, CA 95240

Relation to Subject Property (Pertaining To Appeal)
☐ Owner ☐ Tenant ☐ Property Manager/Agent

☒ Other: concerned citizen

In the case of multiple appellants, each must fill out an Application for Appeal, but they can submit together under one fee.

Subject Address 1800 S. Cherokee Lane, Lodi, CA 95240 Assessor's Parcel No. 06051

Subject Property Owner's Name Leon Croce Trust, P O Box 555, Lodi, CA 95241 Phone _____

Subject Property Owner's Mailing Address _____

STAFF USE ONLY

Appeal No. _____

Related Notices/Documents _____

Issued By: _____

RECEIVED
CITY OF LODI
2007-11-13

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
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Appeal Information Required

Provide a statement of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant, and any relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

We are protesting the action taken by the Lodi Planning Commission concerning the "conditional use permit" for Wine Country Casino and Restaurant that was approved on February 14, 2007. Our primary concerns are as follows: The area for the proposed casino is mostly residential with a few businesses on Cherokee Lane. We do not feel this is a good location for this type of business. Secondly, Cherokee Lane is a major gateway for people coming from Hiway 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

In addition to concerns we have for the location, we also feel that a broader discussion about the whole issue of expanding gambling in Lodi should take place.

Please see attached pages for additional details:

Initial Review of Appeal: There will be an initial Administrative Review of this appeal to determine whether this Department can resolve the issues under appeal. If the issues can be resolved through this Administrative Review, then the \$300 Appeal Fee will be returned to the Appellant.
Staying Order Under Appeal: Except for Notices to Vacate, enforcement of any notice and order of the Building Official shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Attach Additional Pages If Necessary

I certify, under penalty of perjury, that I acknowledge the filing of this appeal and that the matters stated in this appeal are true and accurate.

Date

Signature

Print Name

3-1-07

Date/Time Received

By: Kenneth R. Owen

Fee Paid: KENNETH R. OWEN



Christian Community Concerns

Pertinent facts relating to the Wine Country Casino & Restaurant:

On May 17, 2006, the City Council conducted a hearing on a proposed amendment to the city ordinance to expand gambling in Lodi from 6 to 8 tables, and increasing the number of players from 7 to 10 at each table. The amendment would also allow the game Texas Hold 'em, and allow the card room to stay open two hours later on Saturday and Sunday till 4 a.m. Jack Morgan the owner of Axtion Jackson's, a local card room on Sacramento Street, approached the City Council about changing the existing ordinance.

At that time, Mr. Morgan did not have another location to move to, so the action was to just expand the City Ordinance to allow the expansion at that time. On June 7, 2006, the City Council did in fact vote to repeal and reenact chapter 5.12 'cardrooms,' in its entirety, "of ordinance no. 1779 entitled an ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5."

Three Council Members were in favor, Hansen, Johnson, and Mounce, while Councilman Beckman voted no, and Mayor Hitchcock was absent, so it passed 3-1.

On February 14, 2007, the matter was taken up again by the Lodi Planning Commission to vote on a "Conditional Use Permit" for a particular location at 1800 S. Cherokee Lane, formerly known as Jazzy J's. After a two hour discussion, the Planning Commission voted 3-2 with two absent to approve the Conditional Use Permit, and clear the road for the card room which will be known as Wine Country Casino and Restaurant.

Christian Community Concerns which is a (501)c3 non-profit organization has been in existence in Lodi since 1985. We are basically involved with moral issues that have the potential of having great adverse effects on the citizens of Lodi and the surrounding community. I am the Founder/Director of the organization.

CCC is opposed to both the expansion of gambling in Lodi, and the proposed location that has been chosen to house the card room for the following reasons.

- The area between Cherokee, Harney, Stockton, and Kettleman lane is mostly residential with a few businesses on Cherokee Lane. A card room is not a good mix for a high residential area such as this.

- Cherokee Lane is a major gateway for people coming from 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

THESE ARE OUR PRIMARY CONCERNS REGARDING THE LOCATION
CHOSEN AS GROUND ZERO FOR THE EXPANSION OF GAMBLING IN
LODI.

In addition to the reasons we feel this is the wrong location for a card room in Lodi, we also feel a broader discussion about the expansion of gambling in Lodi should take place.

- We believe that the City Council has only heard one side of the issue. I apologize for not being more vocal at the time the expansion ordinance was passed. We would like the opportunity to bring a community awareness to this ordinance and the effects of expanding gambling in Lodi.
- Up to this point, gambling has been very inconspicuous in Lodi. Those who want to gamble have had to go looking for a card room. If this expansion at the proposed location does in fact take place, it will be very conspicuous, and potentially could create many more habitual gamblers and create more societal problems for Lodi.
- The attorney for the Casino said that, "The City of Lodi will be partners with us in this venture, because the City will receive nine percent of the monthly revenue." Why would the City want to be in partners with this type of business? That truly is a moral issue.